

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

THE STATE OF LOUISIANA,  
By and through its Attorney General, JEFF  
LANDRY;

THE STATE OF MONTANA,  
By and through its Attorney General, AUSTIN  
KNUDSEN;

THE STATE OF ARIZONA,  
By and through its Attorney General, Mark  
Brnovich;

THE STATE OF ALABAMA, By and through  
its Attorney General, STEVE MARSHALL;

THE STATE OF GEORGIA, By and through  
its Attorney General, CHRISTOPHER CARR;

THE STATE OF IDAHO, By and through its  
Attorney General, LAWRENCE G. WASDEN;

THE STATE OF INDIANA, By and through  
its Attorney General, THEODORE M.  
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THE STATE OF MISSISSIPPI, By and through  
its Attorney General, LYNN FITCH;

THE STATE OF OKLAHOMA, By and  
through its Attorney General, JOHN M.  
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THE STATE OF SOUTH CAROLINA, By  
and through its Attorney General, ALAN  
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THE STATE OF UTAH, By and through its  
Attorney General, SEAN D. REYES;

THE STATE OF WEST VIRGINIA, By and  
through its Attorney General, PATRICK  
MORRISEY;

CIVIL ACTION NO. \_\_\_\_\_

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services; et al.

DEFENDANTS.

### **MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff States respectfully move this Court for an order under Rule 65 of the Federal Rules of Civil Procedure granting a preliminary injunction, with expedited consideration, in their favor against the named Defendants in their official capacities. As explained in the Complaint and attached Memorandum supporting this motion, Defendants have acted without statutory authority, violated the Administrative Procedure Act, violated the Social Security Act, violated the Congressional Review Act, and violated the Constitution by promulgating and implementing *Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccinations*, 86 Fed. Reg. 61555 (Nov. 5, 2021).

This Motion is made on the grounds specified in this Motion, the Complaint, the accompanying Memorandum of Law, the exhibits attached to the Complaint and to this Motion, all matters of which this Court may take judicial notice, and on such other and further oral or documentary evidence as may be presented to the Court at or before the hearing on this Motion. Plaintiff States are substantially likely to prevail on the merits of their claims and preliminary injunctive relief is necessary to avoid imminent and substantial injuries to their sovereign, quasi-sovereign, and proprietary interests. And the public interest and balance of harms favor an order compelling Defendants to follow the law.

For these reasons and those explained in the attached Motion, Plaintiff States respectfully request a preliminary injunction restraining Defendants from implementing *Medicare and Medicaid Programs; Omnibus COVID-19 Health Care Staff Vaccinations*, 86 Fed. Reg. 61555 (Nov. 5, 2021).

Dated: November 15, 2021

Respectfully submitted,

By: /s/ Elizabeth B. Murrill

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